

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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HENRY TERRY,

Plaintiff,

9:12-CV-1544

v.

BEVERLY CAMPBELL; PATRICIA  
SCHWARTZ; COSINO FERRARI, M.D.;  
VONDA JOHNSON, M.D.,

Defendants.

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THOMAS J. McAVOY  
Senior United States District Judge

**DECISION and ORDER**

**I. INTRODUCTION**

This *pro se* action brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. Thérèse Wiley Dancks, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule N.D.N.Y. 72.3(c). In her May 29, 2013 Report-Recommendation (Dkt. No. 25), Magistrate Judge Dancks recommends that Defendant Johnson's motion to dismiss (Dkt. No. 18) be denied. No objections to the Report-Recommendation and Order have been filed, and the time to do so has expired.

**II. DISCUSSION**

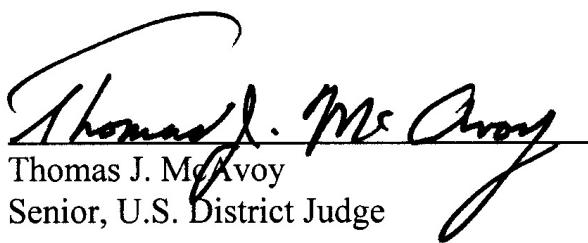
After examining the record, this Court has determined that the Report-Recommendation and Order is not subject to attack for plain error or manifest injustice.

### III. CONCLUSION

Accordingly, the Court **ADOPTS** the Report-Recommendation and Order for the reasons stated therein. Defendant Johnson's Rule 12(b)(6) motion to dismiss (Dkt. No. 18) is **DENIED**.

**IT IS SO ORDERED.**

**Dated:** September 24, 2013



Thomas J. McAvoy  
Senior, U.S. District Judge